

Appl. No. : 10/698,236  
Filed : October 31, 2003

### REMARKS

Please consider the above-identified application on the merits in view of the amendments set forth above and the comments set forth below.

#### Claims 1-7, 26-32 and 42-45 Have Been Amended

Claims 1-7, 26-32 and 42-45 have been amended to recite an exercise device rather than the previously recited wireless communication system and infrared communication system. Entry of the amendments is respectfully requested.

#### Election of Group III

Applicant hereby elects Group III with traverse.

In this, the second consecutive restriction requirement, the Examiner has grouped the claims as follows: (I) Claims 1-7 drawn to an infrared communications system; (II) Claims 8-25 and 33-57 drawn to an exercise device; and (III) Claims 26-32 drawn to a wireless communications system. Through the amendments set forth above, Applicant has drawn all of the claims to an exercise device. Thus, Claims 1-57 now are drawn an exercise device.

Applicant is attempting to maintain consistent with the prior election and Applicant is attempting to keep all claims in the present application. Applicant previously elected Claims 21-25 and 26-45 with an argument that Claims 1-20 and 46-57 should be examined with the elected claims. The basis of the argument was that "wireless communications system" is a genus with a species of "infrared communications systems." Thus, by electing Group III, which is now exercise devices with infrared communications systems, Applicant has elected Claims 21 and 26-38. Applicant continues to maintain that Claims 1-20, 22-25 and 39-57 recite infrared limitations, which is a species of the elected exercise device comprising a wireless communications system. Therefore, all of the claims should be examined together.

### CONCLUSION

Examination on the merits of Claims 1-57 is respectfully requested. If any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call

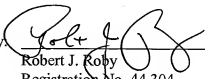
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Applicant's attorney in order to resolve such issue promptly. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 2.22.2007

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